

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

JAMES TAMBONE and
ROBERT HUSSEY,

Defendants.

CIVIL ACTION
NO. 05-10247-NMG

DEFENDANT ROBERT HUSSEY'S MOTION TO DISMISS THE COMPLAINT

The Defendant Robert Hussey hereby moves to dismiss the Complaint in the above-captioned action pursuant to Fed. R. Civ. P. 9(b) and 12(b)(6), on the grounds that the Complaint fails to plead allegations of fraud with particularity and fails to state a claim upon which relief can be granted by this Court.

In support of this Motion, the Defendant Robert Hussey submits the accompanying Memorandum of Law.

WHEREFORE, Defendant Robert Hussey respectfully moves this honorable Court to enter an order dismissing the Complaint with prejudice under Fed. R. Civ. P. 9(b) and 12(b)(6).

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), Defendant Robert Hussey believes that oral argument may assist the Court in resolving this Motion and hereby requests oral argument.

ROBERT HUSSEY,
By his attorneys,

/s/ Frank A. Libby Jr.
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Dated: April 15, 2005

LOCAL RULE 7.1(A)(2) CERTIFICATION

I, Wesley R. Powell, hereby certify that prior to this day, I have conferred with counsel for Plaintiff and attempted in good faith to resolve or narrow the issues presented in this Motion.

/s/ Wesley R. Powell
Wesley R. Powell